

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

C.A. No. 22-1377-MN-JLH

MASIMO CORPORATION,

Counter-Claimant,

v.

APPLE INC.

Counter-Defendant.

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

C.A. No. 22-1378-MN-JLH

MASIMO CORPORATION and
CERCACOR LABORATORIES, INC.,

Counter-Claimants,

v.

APPLE INC.

Counter-Defendant.

**JOINT MOTION FOR CONFERENCE TO
RESOLVE DISCOVERY DISPUTES**

Pursuant to Paragraph 8(g) of the Scheduling Order (D.I. 103, C.A. No. 22-1377; D.I. 92, C.A. No. 22-1378), Plaintiff Apple Inc. and Defendants Masimo Corporation and Sound United, LLC respectfully move to schedule a conference to address outstanding disputes regarding the following discovery issue:

- (1) Masimo's motion to compel the production of Jeffrey Myers' custodial emails that hit on Masimo's search terms.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in a verbal meet-and-confer regarding issue (1) by telephone on November 9, 2023:

Delaware Counsel:

For Masimo: John C. Phillips, Jr.

For Apple: David E. Moore

Lead Counsel:

For Masimo: Mark Lezama and Adam Powell

For Apple: Jeff Seddon

The parties are available for a teleconference on the following dates: November 15, 16, and 17.

Dated: November 13, 2023

POTTER ANDERSON & CORROON LLP

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